



GOVERNMENT OF ANDHRA PRADESH)  
ABSTRACT

Department for Women, Children, (Estt-A2) Disabled & Senior Citizens – Disciplinary proceedings against Smt. L.Narsubai, former I/c., Child Development Project Officer, Nirmal now Retired as Assistant Child Development Project Officer, Narayanakhed – Concluded – Period of suspension from 09.12.2003 to 06.07.2005 treated as ‘not on duty’ – Orders – Issued.

=====

DEPARTMENT FOR WOMEN, CHILDREN, (ESTT-A2) DISABLED & SENIOR  
CITIZENS

G.O.Rt.No. 154,

Dated.09 May, 2011.  
Read the following:

1. Lr.No.519/EO/02, dt.22.10.03 of District Collector & District Magistrate Nizamabad.
2. Procs.No.12879/Vig-2/03, dt.21.11.03.
3. Charge Memo No.12879/Vig-2/03, dt.23.01.04 of Dir, WD&CW, Hyd
4. From Smt L. Narsubai, CDPO, Nirmal, defence statement, dt.15.03.04.
5. Procs.No.12879/Vig-2/03, dt.04.06.04 of Dir, WD & CW, Hyd
6. Enquiry report of PD, DW & CDA, Nizamabad dt.15.12.04.
7. From the Dir, WD & CW, Hyd Lr.No.2837/Vig-2/99, dt.03.03.08. with proposal copy of letter No.2837/Vig-2/99, dt.25.07.06.
8. Show-Cause Memo.No.1947/Estt.A2/2008, Dt.07.07.2008.
9. Lr.No.1340/RT-I/1/2009, Dt.27.05.2010 of the Secretary, APPSC, Hyderabad.
10. G.O.Rt.No.42, Dept. for W,C,(Estt) D & S.Cs., Dt.29.01.2011.

-00oOo00-

ORDER:-

On 23/04/2003 an adverse news item was published in the local daily news paper that amount released under vitamin “A” programme for Rs.26,200/- towards TA/DA of Anganwadi Workers was not distributed to them and shown the entire amount as if disbursed to Anganwadi Workers on 23/04/2003, when Smt. L. Narsubai, was working as Child Development Project Officer, Yellareddy, Nizamabad District.

2. The matters was enquired into and based on the report of the District Collector, Nizamabad vide 1<sup>st</sup> read above, the Director, Women Development &Child Welfare Department, Hyderabad had placed Smt L. Narsubai, i/c Child Development Project Officer, Yellareddy under suspension vide 2<sup>nd</sup> read above, and issued a charge memo in the ref. 3<sup>rd</sup> read above, on single count under Rule 20 of Andhra Pradesh Civil Service (CCA) Rule 1980.

3. In the reference 4<sup>th</sup> read above, Smt L. Narsubai, I/c Child Development Project Officer, Yellareddy submitted her defence statement denying the charge framed against her.

4. After examining the defence statement of the individual, the Director, Women Development &Child Welfare Department, Hyderabad, vide reference 5<sup>th</sup> read above, had appointed Project Director, District Women & Child Development Agency, Nizamabad as Enquiry Officer to inquire into the charge framed against Smt. L. Narsubai, i/c. Child Development Project Officer, Yellareddy

5. In the references 6<sup>th</sup> read above, the Enquiry Officer had submitted her report to

(PTO)

the Director, Women Development &Child Welfare Department, Hyderabad with her findings on the charge leveled against Smt L. Narsubai, i/c Child Development Project Officer, Yellareddy that “she may be excused and therefore the point to file a criminal case may be dropped’.

6. In the reference 7<sup>th</sup> read above the Director, Women Development &Child Welfare Department, Hyderabad had reported that timely payment was not made to all the Anganwadi Workers. Thus, the Charged Officer misled the authorities and the charge is held proved.

7. After going through the enquiry report and the circumstances reported by the Director, Women Development &Child Welfare Department, Hyderabad in the ref. 7<sup>th</sup> read above, and after careful examination of the matter taking into consideration the gravity of the above referred charge and the other charge relating to the drawl of Rs.2,38,000/- from the bank from various accounts of ICDS, Nirmal and non-utilisation of it for the specified purpose and non-handing over of it to the succeeding CDPO which were held proved, the provisional decision of the Government to impose 80% of cut permanently in the admissible pension of Smt. L. Narsubai, now retired ACDPO, Narayanakhed permanently besides recovery of an amount of Rs.2,38,000/- from her pensionary benefits together with the Inquiry Officer’s report was communicated to the Delinquent Officer vide reference 8<sup>th</sup> read above in terms of rule 9(2) of the Andhra Pradesh Revised Pension Rules, 1980, for submitting her representation on it.

8. The objections/points raised on the enquiry proceedings, in her representation to the above show cause Memo.,, by Smt. L. Narsubai, now retired ACDPO, Narayanakhed were held not being reasonable and the charges framed against her being proved conclusively as she herself confessed and given written deposition that the purchase of Almirahs and stationary items in question were not made; all the Supervisors, Anganwadi Workers and Accused Officer attended the enquiry and given their depositions on the same day in her presence and that there exists no authentic evidence on the handing over of the drawn amount of Rs.2,38,000/- to the Senior Assistant as contended by her or remittance in the Bank; the then CDPO, Sri Raghavarao gave written deposition during the preliminary enquiry that the Delinquent Officer had drawn the said amount and not accounted for was not disproved by her; and the witnesses gave written depositions that they did not receive any stationary items from the Delinquent Officer.

9. The Andhra Pradesh Public Service Commission communicated their advise vide reference 9<sup>th</sup> read above for imposition of punishment of 60% cut in pension for a period of (5) years besides recovery of the amount of Rs.2,38,000/- as against the proposed penalty of 80% cut permanently in the admissible pension of Smt. L. Narsubai, now retired ACDPO, Narayanakhed permanently besides recovery of an amount of Rs.2,38,000/- from her pensionary benefits.

10. Accordingly, in the reference 10<sup>th</sup> read above, under Rule-9 of Andhra Pradesh Revised Pension Rules, 1980, a penalty of 60% cut in pension for five (5) years against Smt.L.Narsu Bai, the then ACDPO, Narayankhed (now retired), is imposed besides recovery of misappropriated amount of Rs.2,38,000 along with interest from her for the charges held proved against her.

11. In view of the above and the observations/decisions of the Hon’ble Supreme Court of India as briefed hereunder, under F R 54-B (7) Government hereby decides to treat the period of suspension from 09.12.2003 to 06.07.2005 ‘not duty’ in respect of Smt.L.Narsu Bai, the then ACDPO, Narayankhed (now retired),

(Contd..3)

The Supreme Court in Commissioner of Police, New Delhi, Vs Narender Singh AIR 2006 SC 1800 has considered the question on continuation of disciplinary proceedings when the delinquent is acquitted in a criminal case, wherein the court among other things observed as follows:-

"13. It is now well settled by reason of a catena of decisions of this court that if an employee has been acquitted of a criminal charge, the same by itself would not be a ground not to initiate a departmental proceedings against him or to drop the same in the event an order of acquittal is passed."

12. With regard to treatment of suspension period as "duty or not duty" it may be stated that under rule 54-B (5) of the Fundamental Rules, discretion is vested with the competent authority to regulate suspension period where the suspension is justified after giving a notice to the Government servant.

13. Again the apex court in Smt. K. Poonamma Vs. the State of Kerala [1997(1) LLJ 1205] observed as follows:

"It is seen that on account of the involvement of the petitioner in a criminal charge by statutory operation she was under suspension till she was acquitted. On acquittal, the departmental enquiry was conducted as to be nature of the order to be made under rule 56. Accordingly, the authority, in its discretion, found that the payment of the salary during the period of suspension except suspension allowances already paid could not be granted. It being in accordance with the rules, we do not think that the High Court has committed any error warranting interference".

14. The charges have been proved beyond doubt and had she been in service the same would have entailed dismissal without pensionary benefits. Therefore, there is no ground to treat suspension period as duty for which period she received suspension allowance without working.

15. Accordingly, under F R 54-B (7), the period of suspension from 09.12.2003 to 06.07.2005 in respect of Smt.L.Narsu Bai, the then ACDPO, Narayankhed (now retired), is treated as '**not duty**'.

16. The Commissioner, Women Development & Child Welfare Department, Hyderabad shall take immediate necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M. CHAYA RATAN,  
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To:

Smt. L. Narsubai, former ACDPO, Narayankhed(now retired)  
through the Commissioner, Women Development & Child Welfare,  
Hyderabad.

**Copy to:**

The Commissioner, Women Development & Child Welfare, Hyderabad.  
The AG, AP, Hyderabad.  
SC/SF

// FORWARDED BY ORDER //

SECTION OFFICER